

Neifeld Docket No: PIP-15-GRANUSCP

Application/Patent No: 09/373,625

USPTO CONFIRMATION NO: 2781

File/Issue Date: 8/13/1999

Inventor/title: Granger/IN-VEHICLE PROMOTIONS SYSTEM

Examiner/ArtUnit: Nguyen/3692

ASSISTANT COMMISSIONER FOR PATENTS

ALEXANDRIA, VA 22313

37 CFR 1.705 APPLICATION FOR PATENT TERM ADJUSTMENT

I. Statement of the Precise Relief Requested

The patentee requests that the Director change the notice of term extension under 35 USC 154(b) from 12 days to 583 days due to correct the PTO's erroneous reduction of period of adjustment of 571 days.

II. Material Facts in Support of the Petition

1. The Director determined a 12 day patent term extension, as noted on the Notice of Allowance mailed October 18, 2007.

2. On November 20, 2002, the applicant filed a Request for Continued Examination.

3. On November 3, 2003, the applicant filed a response after a non-final action.

4. On May 18, 2004, the USPTO mailed a non-final rejection.

5. On July 6, 2004, the applicant filed a response after a non-final action.

6. On December 9, 2004, the USPTO mailed a non-final rejection.

7. On July 1, 2005, the applicant filed an appeal brief.

8. On November 29, 2005, the USPTO mailed a non-final rejection.

9. On March 29, 2006, the applicant filed a reply brief.

10. On October 18, 2007, the USPTO mailed a non-final rejection.

III. Reasons Why the Relief Requested Should be Granted

A. Adjustment Due to PTO Delay

The term extension applicable under the 35 USC 154 is calculated as follows:

1. 35 USC 154(b)(1)(A)(ii) provides that the term of the patent shall be extended 1 day for each day that the PTO fails to respond to a reply under section within 4 months after the date on which the reply was filed.

2. On November 3, 2003, the applicant filed a response after a non-final action. On May 18, 2004, the USPTO mailed a non-final rejection. The difference between these dates, less the permitted four months, is 76 days.

3. On July 6, 2004, the applicant filed a response after a non-final action. On December 9, 2004, the USPTO mailed a non-final rejection. The difference between these dates, less the permitted four months, is 33 days.

4. On July 1, 2005, the applicant filed an appeal brief. On November 29, 2005, the USPTO mailed a non-final rejection. The difference between these dates, less the permitted four months, is 28 days.

5. On March 29, 2006, the applicant maintained the appeal by filing another brief. On October 18, 2007, the USPTO mailed a non-final rejection. The difference between these dates, less the permitted four months, is 446 days.

6. The total of these four patent term adjustments is 583 days.

B. Erroneous Reduction of Period of Adjustment by the PTO

The USPTO calculated a period of adjustment of 12 days.

C. Why the Reduction was Erroneous

The delay in sending the notice of allowance was entirely the fault of the Office, and was not any fault on the part of the applicant. Therefore, there should be no reduction in the period of adjustment of 583 days.

IV. **Conclusion**

The Director should grant the petition to change the notice of term extension under 35 USC 154(b) from 12 days to 583 days.

V. **Fee under 37 CFR 1.18(e)**

A check in the amount of \$200 to cover the fee for filing an application for the patent term adjustment is submitted herewith.

VI. **List of Exhibits**

Exhibit 1: A copy of the USPTO web site's PAIR printout for United States Patent Application Number 09/373,625 showing the dates recorded by the USPTO for filing and mailing of papers in this application.

11-8-2007

Date

Respectfully submitted,

/RichardNeifeld#35,299/

Richard A. Neifeld, Ph.D.

Registration No: 35,299

Attorney of Record

Printed: November 9, 2007 (12:25am)

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1-8-2007.wpd

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09/373,625

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Date	Transaction Description
10-28-2007	Mail Post Card
10-20-2007	Email Notification
10-20-2007	Email Notification
10-18-2007	Mail Notice of Allowance
10-18-2007	Mail Examiner Interview Summary (PTOL - 413)
10-18-2007	Mail Examiner's Amendment
10-18-2007	Mail Examiner's Amendment
10-13-2007	Notice of Allowance Data Verification Completed
10-13-2007	Examiner's Amendment Communication
10-01-2007	Examiner's Amendment Communication
10-01-2007	Examiner Interview Summary Record (PTOL - 413)
10-01-2007	Document Verification
06-19-2006	Information Disclosure Statement considered
07-14-2006	Information Disclosure Statement considered
10-05-2006	Case Docketed to Examiner in GAU
07-14-2006	Information Disclosure Statement (IDS) Filed
07-14-2006	Information Disclosure Statement (IDS) Filed
06-19-2006	Reference capture on IDS
06-19-2006	Information Disclosure Statement (IDS) Filed
06-19-2006	Information Disclosure Statement (IDS) Filed
11-29-2005	Mail Non-Final Rejection
10-03-2005	Non-Final Rejection
07-01-2005	Miscellaneous Incoming Letter
07-08-2005	Date Forwarded to Examiner
07-01-2005	Appeal Brief Filed
07-01-2005	Request for Extension of Time - Granted
03-07-2005	Notice of Appeal Filed
03-02-2005	Correspondence Address Change
03-02-2005	Change in Power of Attorney (May Include Associate PC
12-09-2004	Mail Non-Final Rejection
11-15-2004	Non-Final Rejection
11-02-2004	IFW TSS Processing by Tech Center Complete

10-05-2004	Information Disclosure Statement (IDS) Filed	
10-05-2004	Information Disclosure Statement (IDS) Filed	10-05-2004
09-13-2004	Date Forwarded to Examiner	
07-16-2004	Response after Non-Final Action	
11-26-2002	Miscellaneous Incoming Letter	
07-16-2004	Workflow incoming amendment IFW	
07-13-2004	Examiner Interview Summary Record (PTOL - 413)	
05-18-2004	Mail Non-Final Rejection	
02-09-2004	Non-Final Rejection	
11-20-2003	Date Forwarded to Examiner	
11-03-2003	Response after Non-Final Action	
08-01-2003	Mail Non-Final Rejection	08-01-2003
07-28-2003	Non-Final Rejection	
05-22-2003	Date Forwarded to Examiner	
05-19-2003	Response after Non-Final Action	
05-07-2003	Examiner Interview Summary Record (PTOL - 413)	
11-26-2002	Request for Refund	11-26-2002
02-19-2003	Mail Non-Final Rejection	
02-10-2003	Non-Final Rejection	
01-16-2003	Correspondence Address Change	
01-16-2003	Correspondence Address Change	
01-16-2003	Correspondence Address Change	
12-02-2002	Date Forwarded to Examiner	
12-02-2002	Date Forwarded to Examiner	
11-20-2002	Request for Continued Examination (RCE)	
12-02-2002	DISPOSAL FOR A RCE/CPA/129 (express abandonment)	
11-20-2002	Request for Extension of Time - Granted	
11-20-2002	Workflow - Request for RCE - Begin	
10-01-2002	Notice of Appeal Filed	
09-23-2002	Mail Advisory Action (PTOL - 303)	
09-20-2002	Advisory Action (PTOL-303)	09-20-2002
08-26-2002	Date Forwarded to Examiner	
08-19-2002	Amendment after Final Rejection	
08-22-2002	Date Forwarded to Examiner	
08-19-2002	Amendment after Final Rejection	
08-12-2002	Examiner Interview Summary Record (PTOL - 413)	
07-01-2002	Mail Final Rejection (PTOL - 326)	
07-01-2002	Final Rejection	
04-29-2002	Date Forwarded to Examiner	
04-22-2002	Response after Non-Final Action	
04-22-2002	Request for Extension of Time - Granted	04-22-2002
04-23-2002	Case Docketed to Examiner in GAU	
04-23-2002	Case Docketed to Examiner in GAU	
12-21-2001	Mail Non-Final Rejection	
12-17-2001	Non-Final Rejection	

09-19-2001	Preliminary Amendment	2007
10-06-2001	Date Forwarded to Examiner	
09-19-2001	Continuing Prosecution Application - Continuation (ACP)	
09-19-2001	Mail Express Abandonment (During Examination)	
09-19-2001	Express Abandonment (during Examination)	
09-19-2001	Workflow - Request for CPA - Finish	
09-19-2001	Workflow - Request for CPA - Begin	
06-19-2001	Mail Final Rejection (PTOL - 326)	
06-18-2001	Final Rejection	
02-22-2001	Information Disclosure Statement (IDS) Filed	
02-22-2001	Information Disclosure Statement (IDS) Filed	
11-07-2000	Date Forwarded to Examiner	2003
10-26-2000	Response after Non-Final Action	
10-06-2000	Case Docketed to Examiner in GAU	
09-13-2000	Mail Non-Final Rejection	
09-11-2000	Non-Final Rejection	2007
05-12-2000	Information Disclosure Statement (IDS) Filed	ACP
05-12-2000	Information Disclosure Statement (IDS) Filed	
04-07-2000	Information Disclosure Statement (IDS) Filed	
04-07-2000	Information Disclosure Statement (IDS) Filed	
03-31-2000	Mail-Petition Decision - Granted	
02-25-2000	Petition Entered	
01-12-2000	Information Disclosure Statement (IDS) Filed	
01-12-2000	Information Disclosure Statement (IDS) Filed	
12-01-1999	Correspondence Address Change	
10-28-1999	Case Docketed to Examiner in GAU	
09-01-1999	Application Dispatched from OIPE	
08-26-1999	IFW Scan & PACR Auto Security Review	
08-18-1999	Initial Exam Team nn	

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